US Army Corps of Engineers

Regulatory Branch
1455 Market Street
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Old Arcata Road/Myrtle Avenue Widening & Rehabilitation

NUMBER: 2000-257310 DATE: 3 April 2008 RESPONSE REQUIRED BY: 5 May 2008

PROJECT MANAGER: David Ammerman PHONE: 707-443-0855 Email: David.A.Ammerman@spd02.usace.army.mil

1. **INTRODUCTION:** The Humboldt County Department of Public Works, Natural Resources Division, 1106 Second Street, Eureka, California 95501-0579 (Contact: Mr. Andrew Bundschuh, Environmental Analyst at 707-445-7741), has applied for a Department of the Army permit to discharge fill into waters of the United States for the purpose of widening and rehabilitation of approximately three (3) miles of Old Arcata Road/Myrtle Avenue, within the unincorporated areas of Humboldt County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. **PROPOSED PROJECT:**
The proposed project consists of shoulder widening, road realignment, a re-designed intersection, culvert enhancement, and drainage improvements along an approximately 3 mile stretch of road that includes portions of Myrtle Avenue (near the City of Eureka) and Old Arcata Road. The applicant states the existing road within the work area provides insufficient space for motorists to adjust to emergency situations and for bicyclists and pedestrians to travel adjacent to the vehicle travel lanes. The project would improve safety for pedestrians, bicyclists and motorists by widening the transportation corridor and upgrading the roadway geometry to current standards (California Department of Transportation Local Assistance Program Guidelines). The proposed project is located along a two-lane road connecting the cities of Eureka and Arcata (See location map, Sheet 2 of 13). The southern end of the project area is at Post Mile 3.77 on Myrtle Avenue at Freshwater Corners, near the intersection with Freshwater-Kneeland Road. The project area extends north through the community of Indianola, where the name changes to Old Arcata Road. The northern end of the project is located at Post Mile 6.75 on Old Arcata Road just south of Bayside Cutoff and the community of Bayside.

Approximately 3.5 miles of roadway improvements were constructed between 1978 and 1990. A project to complete the remaining 3.2 miles of road was developed from 2000 to 2003 but put on hold due to funding constraints until funding was restored in 2006. Funding is being obtained from the State Transportation Improvement Program (STIP).

The proposed project would provide continuous 12-foot wide travel lanes and seven-foot wide shoulders (six feet paved, one foot unpaved) for the entire 3 miles project area. Specific features would include a new roundabout intersection at Indianola, replacement of two undersized water way crossings with culverts designed for fish passage at Cochran Creek and an unnamed tributary to Rocky Gulch, improvements to ten additional road crossing culverts, relocation of power poles and utility boxes, and relocation and/or filling of road side ditches to accommodate the roadway widening. The project can be subdivided into six sections based on drainage area (Note: For the sake of brevity, the attached plan view drawings will include only those sections of road where there are new substantial drainage features or road way features including major realignments or road way structures):

Section 1 is a 1,115 foot section between Freshwater-Kneeland Road and Adams Lane (Station 5+900 to 6+240, start of project is on Sheet 3 of 13). The roadway would be widened in both directions, with minor widening occurring from Station 5+900 through 6+040 due to pre-existing conditions. The road side ditch on the east side of the road from Station 6+060 to 6+140 would be relocated east ward. The new roadway from Station 6+040 through 6+220 would slope westward, thus draining storm water runoff away from the easterly road side ditch and onto the westerly road shoulder where it would percolate into the soil (agricultural land). This work is in the vicinity of Redmond Creek. No work is proposed for the culvert at Station 5+905.

Station 2 is a 2,725 foot long section between Adams Lane and Quail Valley Road (Station 6+240 to 7+072). The roadway would be generally widened in both directions, and shifted westward near the northern end. The road side ditch on the east side of the road from Station 6+320 to 6+780 would be relocated eastward. From Station 6+795 through 7+020, the road side ditch would be slightly widened and reconstructed within the existing ditch area. The culvert at Station 6+453 would be extended to accommodate the new roadway, and the junction box at the outlet would be replaced and brought up to current standards. This activity is in the vicinity of an unnamed tributary to Fay Slough.

Station 3 is a 3,275 foot section between Quail Valley Road and Ole Hanson Road (Station 7+072 to 8+070). The road would be widened, predominantly on the west side. The curve near Quail Valley Road would be straightened by shifting the roadway westward. Minor changes to the ditch on the east side would occur from Station 7+072 through 7+220 (mostly reconstruction within the existing ditch area). A new box culvert would be installed to convey Cochran Creek under Myrtle Avenue (Sheet 4 of 13 and 12 of 13). The new culvert would be designed to meet fish passage criteria and would consist of a twelve foot wide by six foot high by 50 foot long box culvert embedded approximately one to two feet with river run aggregate. A portion of Cochran Creek located immediately downstream from the road would be relocated and shifted westward. Detailed design is shown on Sheet 12 of 13. Both drainage culverts at Station 7+621 and 7+715 would be extended to accommodate the new road width. The above drainage work would retain the existing 90-degree alignments to the drainages but the larger culverts are expected to improve flood capacity as well as fish passage. The alignment of the drainages may (or may not) be subject to design changes at a later date. Cochran Creek is a tributary to Fay Slough.

Section 4 is a 5,025 foot long section between Ole Hanson Road and Lorenz Lane (Station 8+070 to 9+602). The southern portion of this section includes a residential area known as Cox Corner. The middle portion of this section includes the Indianola Interchange where a roundabout structure would be built (See Sheets 6 of 13, 7 of 13, and 11 of 13). The northern portion includes existing residential and commercial development. In the southern portion a sharp curve would be straightened by shifting the roadway eastward (Sheet 5 of 13). Retaining walls would be built at several locations. At Station 8+325, the existing culvert would be replaced with an 8 foot wide by 4 foot high prefabricated box culvert (Sheet 5 of 13). An oversized box culvert would help alleviate flooding that occurs in the area and act as an ecological connection between the wetland area to the east and the tributary to the west. Where feasible, open road side ditches would remain, but several areas must be filled with pipe in order to meet the roadway design objectives. In the northern and middle portions, a series of pipes ranging from 1.5 foot diameter to 3 foot diameter would be installed. The existing easterly ditch in the southern portion (Station 8+325 through 8+490) would be relocated to the east and widened. Runoff would continue to be conveyed southward to the Fay Slough tributary.

Section 5 is a 2,950 foot long section between Lorenz Lane and Halvorsen Creek Road (Station 9+602 to 10+502). The roadway would be widened on both sides. The road side ditches on the east side of the road from Station 9+960 through 10+155 would be re-located and widened eastward. A new metal arch

culvert was constructed at the Rocky Gulch crossing of Old Arcata Road as a separate fish passage and flood capacity project in 2007 (this included a second metal arch culvert on private property downstream from Old Arcata Road)(Sheet 8 of 13). The applicant states that hydraulic analysis indicated that creek flows during a 100-year event would overflow the Rocky Gulch channel several hundred feet upstream of the Old Arcata Road crossing and through the adjacent private property. For this reason, the overflow ditch would be widened and the culvert at Station 10+155 would be replaced with a larger four-foot diameter culvert. The new roadway from Station 10+100 through 10+230 would slope westward, thus draining storm water runoff away from the easterly road side ditch and onto the westerly road shoulder where it would percolate into the riparian zone adjacent to Rocky Gulch. The undersized 12-inch diameter drainage pipe located at Station 10+408 would be replaced with a larger 18-inch diameter pipe.

Section 6 is a 1,400 foot long section extending from near Halvorsen Creek Road toward Stephens Lane (Station 10+502 to 10+930). The roadway would be widened on both sides, predominantly on the west side. An inboard ditch would be established along the eastern shoulder to help convey storm water runoff away from the road. The new roadway from Station 10+500 to 10+580 would slope eastward, draining storm water off the road and into the easterly road side ditch where it would be conveyed to the drainage pipe at Station 10+646. A new culvert designed to meet fish passage criteria would be placed at Station 10+713 and consists of a six-foot diameter, 60-foot long reinforced concrete pipe embedded approximately one to two feet with river run aggregate (Sheet 9 of 13 and 13 of 13). The embankments at the new inlet and outlet of the culvert would be armored with one half ton rock slope protection. The small 12-inch diameter drainage pipe located at Station 10+646 would be replaced with an 18-inch diameter pipe.

Impacts to Waters of the United States Including Wetlands from the proposed project

The wetland habitat impacted is dominated by coastal scrub (Himalayan blackberry and other blackberry bramble – *Rubus* sp., horsetail (*Equisetum* sp.), umbrella sedge – *Cyperus eragrostis*, several sedge species – *Carex* sp., small-fruit bulrush – *Scirpus microcarpus*, Pacific reed grass – *Calamagrostis nutkaensis*, and various perennial grasses), Coastal Prairie Seasonal Wetland (Pacific reed grass, sweet vernal grass – *Anthoxanthum odoratum*, bentgrass – *Agrostis stolonifera*, spreading rush – *Juncus patens*, and blackberry), and Freshwater Marsh (Small-headed bulrush, cattail – *Typha latifolia*, and soft rush – *Juncus effuses*). Open water ditches and natural drainages, some with a willow-alder riparian corridor, are considered other waters of the United States. The Corps regulates the discharge of fill in these streams below the Ordinary High Water mark in addition wetlands adjacent to those water. The following is a listing of impacts by project station:

Station 1 impacts include 0.06 acres of freshwater seasonal wetlands temporarily impacted and 0.04 acres of wetlands permanently impacted. The road side ditch would be re-established to the east and would consist of a wider channel than what currently exists.

Section 2 impacts include 0.51 acres of temporary impacts to seasonal wetlands and 0.24 acres of permanent impacts to wetlands.

Section 3 impacts include 0.19 acres of temporary impacts to wetlands and 0.51 acres of permanent wetland impacts.

Section 4 impacts include 0.39 acres of temporary wetland impacts and 0.74 acres of wetland permanently impacted.

Section 5 impacts include 0.24 acres of wetland temporarily impacted and 0.33 acres permanently impacted.

Section 6 contains a heavily wooded riparian zone (alders and willows) located along the western embankment from Station 10+600 through 10+740. Most of the wetland impacts in this section occur within this wooded area. The impacted area would be replanted during post construction activities to help establish the pre-existing riparian conditions. This replanting effort would be a separate project to the road widening project. Approximately 0.33 acres of jurisdictional wetland would be permanently impacted.

Total permanent project impacts to wetlands would be 2.19 acres and total temporary impacts to wetlands and other waters of the United States would be 1.39 acres.

Project Mitigation to Compensate for Wetland or Other Waters Impacts

Most impacts to wetlands or other waters of the United States (streams or drainages below Ordinary High Water) would be either avoided, or impacted wetlands or other waters would be replaced on site with the one for one construction of new drainage ditches and adjacent wetlands after the road widening is completed. These actions would compensate for temporary (or as some agencies term it "temporal impacts") of approximately 1.39 acres of wetlands. In several cases construction of larger capacity culverts and ditches (Rocky Gulch tributary, Fay Slough tributaries) would create a net area increase in waters of the United States. The permanent impacts of 2.19 acres, however, would have to be mitigated off site. The applicant proposes to mitigate for these permanent impacts of wetlands by utilizing 2.19 acres of wetlands that been previously created for mitigation purposes at the Fay Slough Wildlife Preserve. The Fay Slough Wildlife Preserve is not currently a federally authorized mitigation bank, although some of the created wetland areas have been approved for compensatory mitigation use through individual Department of the Army permits.

The Fay Slough Wildlife Preserve was created by Humboldt County in 1992 on land owned by the California Department of Fish and Game (and in cooperation with that agency) to gain wetland mitigation credits for future County public works projects involving wetland impacts, and specifically in anticipation of future phases of the Old Arcata Road project. The Preserve is bounded by County airport property (Murray Field) on the south, Highway 101 on the west, Old Arcata Road on the east and private agricultural land on the north.

Activities associated with the creation of 11.57 acres of wetlands were initially authorized by the Corps under Department of the Army Permit No. 18001N21. In March 2001, the County determined that the actual acreage of wetland creation was 10.67 acres. A portion of those 10.67 acres was credited to one recent County Public Works project involving the widening of Elk River Road. In addition, two acres of created wetlands were credited to the City of Eureka for a local public works project. The County believes almost 8 acres of created wetlands remain available for use and could be utilized for Old Arcata Road/Myrtle widening project for 2008.

3. **COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal

consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. Humboldt Bay and it tributaries including Ryan Slough, Freshwater Slough, Fay Slough (tidal interaction is closed or muted) and Rocky Gulch/Gannon Slough are critical habitat for three anadromous fish species listed as threatened by NMFS and may occur at least in the lower reaches: Coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*O. tshawytscha*), and steelhead (*O. mykiss*). In addition, the tidewater goby (*Eucyclogobius newberryi*) may be present downstream of the project area in the tributaries. This fish is listed as endangered by the FWS. When the County was planning the original Old Arcata Road/Myrtle Avenue widening and improvement project in 2000 or 2001, Federal funding was sought and the Federal Highways Administration (FHWA) initiated Section 7 ESA consultation with both NMFS and FWS on the project. NMFS prepared a biological opinion dated February 28, 2003 and determined that the project, as then proposed, is not likely to jeopardize the continued existence of the above listed salmonid species or destroy or adversely modify designated critical habitat for coho salmon. Critical habitat for steelhead and Chinook were designated by NMFS since 2003. If FHWA funding is no longer associated with the project, the Corps may be deemed the federal lead agency for the project and become responsible for any required reinitiation of Section 7 consultation with NMFS regarding projects effects on critical habitat for steelhead and Chinook salmon. The FWS also prepared a biological opinion dated March 13, 2003 and determined the project as then proposed is not likely to jeopardize the continued existence of the tidewater goby. At the time, the County was proposing to widen Ryan Slough Bridge with in stream work including driving of pilings and placement of rock slope protection. However, for the 2008 proposed widening, the Ryan Slough portion of the project has been dropped (although at a later time the roadway portion of Ryan Slough Bridge may be widened without disturbing the Ryan Slough channel). The FWS Biological Opinion is still applicable and enforceable for the remaining work on Old Arcata Road/Myrtle Avenue between Freshwater Road north towards Bayside.

Magnuson-Stevens Fisheries Conservation and Management Act: Essential Fish Habitat - The Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions permitted by the agency that may adversely affect Essential Fish Habitat (EFH). This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would impact approximately 1.39 acres of EFH utilized by coho salmon and Chinook salmon. The Corps' initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in California Waters. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS. The 2003 biological opinion by NMFS may still cover EFH issues for the 2008 Old Arcata Road project.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has applied for Section 401 Water Quality Certification from the California Regional Water Quality Control Board (RWQCB), North Coast Region. The certification process is pending. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume that water quality certification is obtained if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403, by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water dependent. The length and size of this project limits the range of alternatives for its construction, however. Relocating Old Arcata Road would be impractical, costly, and substantially more environmentally damaging than widening and improving the existing road. No matter which route the road would take in this area, crossing of wetlands and other waters of the United States cannot be avoided. The proposed project would minimize wetland and other environmental impacts to the extent possible while achieving the objectives of improving roadway safety and accommodating bicycle and pedestrian access where it currently lacks such access.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. A portion of the proposed project (mostly west of Old Arcata Road) is within the Coastal Zone and subject to permitting by the California Coastal Commission.

National Historic Preservation Act of 1966 (NHPA): The Federal Highways Administration (FHWA) submitted a Historic Property Survey Report (may 13, 2002) to the State Historic Preservation Office (SHPO) for compliance with Section 106 of NHPA. The SHPO issued a concurrence letter dated December 10, 2002, indicated the above studies were adequate and that the proposed project will have no adverse effect on historic properties. The project Environmental Impact Report (EIR) prepared under the California Environmental Quality Act (CEQA) contains five mitigation measures for potential impacts to cultural and historic resources: (1) Stop work immediately if archaeological materials are uncovered during construction (on the Federal side, if unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) in accordance with Section 106 of the National Historic Preservation Act), (2) a qualified archaeological monitor will be present during ground-disturbing activities at archaeologically sensitive areas, (3) avoid and minimize removal of trees or shrubs along the construction corridor, (4) replant trees or shrubs associated with properties eligible under National Register of Historic Places and (5) replace or relocate fences along the project corridor.

4. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. **CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. **SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the District Engineer at: Lieutenant Colonel Craig W. Kiley, U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting David Ammerman, Project Manager of our office at telephone 707-443-0855 or E-mail at: David.A.Ammerman@spd02.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.